

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAPLOC, LLC,	:	17 Civ. 5788 (JSR)
	:	
<i>Plaintiff,</i>	:	
	:	
-against-	:	
	:	
RON McCORD, and FIRST MORTGAGE COMPANY, LLC,	:	
	:	
<i>Defendants.</i>	:	
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FIRST MORTGAGE COMPANY, LLC,	:	
	:	
<i>Third-Party Plaintiff,</i>	:	
	:	
-against-	:	
	:	
ELI GLOBAL, LLC,	:	
	:	
<i>Third-Party Defendant.</i>	:	
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**FINAL JUDGMENT**

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This Final Judgment is agreed to by Plaintiff, CAPLOC, LLC (“CapLOC”), Third-Party Defendant, ELI GLOBAL, LLC (“Eli Global”), Defendant, RON MCCORD (“McCord”) and Defendant/Third-Party Plaintiff, FIRST MORTGAGE COMPANY, LLC (“FMC”).

The Court finds:

1. On July 31, 2017, CapLOC filed this suit against McCord, FMC, and others.
2. On August 29, 2017 and October 4, 2017, CapLOC’s claims against parties other than McCord and FMC were voluntarily dismissed without prejudice.
3. On September 21, 2017, McCord and FMC asserted counterclaims against CapLOC.

4. On September 26, 2017, FMC filed a separate action in this Court against Eli Global (Case No. 17 Civ. 7335), which was consolidated with this suit on October 11, 2017.
5. On January 18, 2018, FMC filed an amended third-party complaint against Eli Global in this action.
6. On June 12, 2018, on CapLOC and Eli Global's motion, the Court dismissed all of McCord and FMC's counterclaims against CapLOC, and all of FMC's third-party claims against Eli Global except for FMC's breach of contract claim against Eli Global.
7. On March 3, 2020, the Court entered an order granting CapLOC summary judgment for liability on multiple claims, and granting Eli Global summary judgment on FMC's claim for lost profit damages.
8. This case is set for trial on March 27, 2023 with respect to the remaining claims between the parties, which are damages on CapLOC's breach of contract claim against McCord and FMC, damages on CapLOC's unjust enrichment claim against McCord and FMC, liability and damages on CapLOC's fraud and fraudulent concealment claims against McCord and FMC, and liability and only reliance damages on FMC's breach of contract claim against Eli Global.

The Court, having been informed that the parties have reached an agreement, hereby enters judgment as follows:

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that CapLOC, LLC have and recover from Ron McCord and First Mortgage Company, LLC, jointly and severally, the sum of Thirty-One Million Dollars and Zero Cents (\$31,000,000.00), plus interest accruing from the date of this Final Judgment until payment in full in the amount of 4.26% per annum.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that CapLOC, LLC is allowed all such writs and process as may be necessary in the enforcement and collection of this Final Judgment.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that all claims asserted or that could have been asserted by First Mortgage Company, LLC against Eli Global, LLC in this lawsuit are dismissed with prejudice to refiling of the same.


IT IS FURTHER ORDERED, ADJUDGED, and DECREED that this Final Judgment is a final judgment and it fully disposes of all claims between all parties in this action.

  
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The Hon. Jed Rakoff, United States District Judge

Dated: 24<sup>th</sup> of March 2023

AGREED TO FORM AND SUBSTANCE:

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NERENBERG PLLC**

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